

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOHN BRADLEY,

Plaintiff,

v.

TIMOTHY J. CRUZ (Individually),
MICHAEL HORAN (Individually),
FRANK J. MIDDLETON (Individually),
& OFFICE OF THE DISTRICT
ATTORNEY FOR PLYMOUTH
COUNTY,

Defendants.

CIVIL ACTION NO. 1:13-cv-12927-IT

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR LEAVE TO FILE
FORTHCOMING MOTION TO COMPEL AND
REQUEST TO FILE ALL RESPONSIVE PLEADINGS UNDER SEAL**

Defendants do not oppose Plaintiff's June 11, 2015 Motion for Leave to File Forthcoming Motion to Compel Under Seal ("Plaintiff's Motion") and further request this Court's permission to file all responsive pleadings under seal including, but not limited to: (1) Defendants' Opposition to Plaintiff's Motion to Compel; (2) Defendants' Cross Motion for a Protective Order; and (3) Plaintiff's Opposition to Defendants' Cross Motion for a Protective Order^{1/}.

In support of this Motion, Defendants state the following:

- 1) Plaintiff filed a Motion For Leave to File Forthcoming Motion to Compel Under Seal on June 11, 2015.
- 2) In short, Plaintiff's Motion seeks to endorse the examination of subject matter, which is entirely irrelevant to any of the claims and defenses in the above-captioned matter and

^{1/} Defendants do not know at present whether reply memoranda will be necessary, but request leave to file any necessary reply memoranda under seal.

is intended for no other purpose, but to annoy and harass the Defendants. Plaintiff's bad faith in pursuing this subject matter is evident by the verbiage utilized in Plaintiff's Motion, which Defendants' counsel previously and explicitly objected to.^{2/}

3) Accordingly, Defendants stand by their Fed. R. Civ. P. 30(d)(2) objection, will oppose Plaintiff's Motion and will file a Cross Motion for a Protective Order to forestall Plaintiff's bad faith harassment of Defendants.

4) Because Plaintiff's Motion fails to specify whether responsive pleadings would also be subject to filing under seal, Defendants submit the instant Motion to clarify that Defendants respectfully request that this Court grant leave for the Parties to file all responsive pleadings under seal.

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^{2/} See Plaintiff's Motion (describing "incendiary" and "serious" nature of purported allegations).

WHEREFORE:

In an abundance of caution and attempt to clarify, Defendants respectfully request this Honorable Court for leave to file all responsive pleadings to Plaintiff's Motion to Compel under seal, including Defendants' Forthcoming Cross Motion for a Protective Order.

RESPECTFULLY SUBMITTED,

Defendants,
**TIMOTHY J. CRUZ, MICHAEL HORAN,
FRANK J. MIDDLETON, and the OFFICE
OF THE DISTRICT ATTORNEY FOR
PLYMOUTH COUNTY**

By their attorney,
**MAURA HEALEY
ATTORNEY GENERAL**

By: /s/ Bret A. Cohen
Bret A. Cohen
Special Assistant Attorney General
BBO # 637830
Robert Sheridan
Special Assistant Attorney General
BBO # 673829
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, MA 02111
(617) 542-6000
BCohen@mintz.com
RSheridan@mintz.com

DATED: Friday, June 12, 2015

LOCAL RULE 7.1 STATEMENT

I, Bret A. Cohen, hereby certify that Defendants conferred with counsel for Plaintiff concerning the subject matter of this response in a good faith effort to resolve or narrow the issues discussed herein.

/s/ Bret A. Cohen

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF System will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on June 12, 2015

By: /s/ Bret A. Cohen